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EXAMINER	
WONG, ALLEN C	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/765,809	SANE, ANIRUDDHA	
	Examiner	Art Unit	
	Allen Wong	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 January 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-6,8-10,15-17,22 and 23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-6,8-10,15-17,22 and 23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/14/09 has been entered.

Response to Arguments

2. Applicant's arguments filed 1/14/09 have been fully read and considered but they are not persuasive.

3. Applicant's arguments with respect to claims 10, 15-17 and 22-23 have been read and considered but are moot in view of the new ground(s) of rejection.

Regarding lines 15-17 on page 8 of applicant's remarks, applicant states that Veltman does not teach the second portion comprises a second block of pixel data followed by another portion of the first block of pixel data. The examiner respectfully disagrees. In column 30, lines 21-27, Veltman discloses that both the first portion, ie. video input data, and the second portion, ie. video time stamp, are parts of one encoded symbol or code string of encoded video bitstream received by demultiplexer 44, wherein the first portion of video data comprises pixilated data and the second portion of video data comprises pixilated data received in a sequential manner as the received video

data is inputted. Thus, Veltman discloses the second portion comprises a second block of pixel data followed by another portion of the first block of pixel data.

Regarding lines 25-28 on page 8 of applicant's remarks, applicant states that claim 10 is amended to include "end of block indicator" limitation. Newly amended claim 10 is rejected is rejected under new grounds as stated below. See the rejection below.

The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Thus, the rejection is maintained.

Claim Objections

Claims 6 and 10 are objected to because of the following informalities: claim 6, in line 9, the term "b1" should be changed to "step b1", and in line 12, the term "b1 and b2" should be changed to "steps b1 and b2". For claim 10, line 23, the term "form" should be changed to "from". Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 4-6, 8 and 9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 1 is rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Supreme Court precedent[1] and recent Federal Circuit decisions[2] indicate that a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. While the instant claim recites a series of steps or acts to be performed, the claim neither transforms underlying subject matter nor is positively tied to another statutory category that accomplishes the claimed method steps, and therefore does not qualify as a statutory process. For example, claim 1, the method includes steps of "receiving a first portion", "generating a concatenated video data stream" and "decoding the concatenated video data stream" is of sufficient breadth that it would be reasonably interpreted as a series of steps completely performed mentally, verbally or without a machine. The Applicant has provided no explicit and deliberate definitions of "receiving a first portion", "generating a concatenated video data stream" and "decoding the concatenated video data stream"

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[1] *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

[2] *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008).

to limit the steps to the electronic form of the method, and the claim language itself is sufficiently broad to read on a printout, mentally stepping through the §101 analysis.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 4, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veltman (5,481,543) in view of Nagai (5,852,469).

Regarding claim 1, Veltman discloses a method for decoding an encoded video data stream (col.30, ln.5-7 and fig.21, element 4A illustrates a method of decoding), the method comprising:

receiving a first portion of the encoded video data stream immediately followed by a second portion of the encoded video data stream (col.30, ln.21-27, Veltman discloses the first portion of the encoded video stream is received in element 42 and the second portion of the encoded video stream is received in element 52, wherein demultiplexer 44 receives the encoded video data stream), wherein the first portion comprises a portion of a first block of pixel data and the second portion comprises a second block of pixel data followed by another portion of the first block of pixel data (col.30, ln.21-27, Veltman discloses that both the first portion, ie. video input data, and the second portion, ie. video time stamp, are parts of one encoded symbol or code

string of encoded video bitstream received by demultiplexer 44, wherein the first portion of video data comprises pixilated data and the second portion of video data comprises pixilated data received in a sequential manner); and

decoding the video data stream (col.30, ln.21-30 and ln.60-61, element 45 is used to decode the video data).

Veltman does not specifically disclose generating a concatenated video data stream comprising the first portion and the second portion, wherein the portion of the first block of pixel data is immediately followed by the another portion of the first block of pixel data. However, Nagai discloses the generation of concatenating video data stream comprising the first portion and the second portion (col.18, ln.1-10, in fig.18, Nagai discloses the region reordering table 1103 for reordering regions of the encoded image data for display as one whole image, and the output of element 1103 is used to influence the image signal reorderer 1119 to yield the display output for viewing; col.18, ln.45-65, Nagai discloses the coding and decoding of two layers, the upper and lower layers for coding the video image data; col.20, ln.31-39, in fig.15, Nagai discloses the first embodiment of fig.7 shows the encoding of image data by splitting the regions of the image data and later when decoding the image data in fig.18, the upper layer and lower layer is reunited for viewing at the display output), and wherein the portion of the first block of pixel data is immediately followed by the another portion of the first block of pixel data (col.18, ln.1-10, in fig.18, Nagai discloses the region reordering table 1103 for reordering regions of the encoded image data for display as one whole image, and the output of element 1103 is used to influence the image signal reorderer 1119 to

yield the display output for viewing; col.18, ln.45-65, Nagai discloses the coding and decoding of two layers, the upper and lower layers for coding the video image data; col.20, ln.31-39, in fig.15, Nagai discloses the first embodiment of fig.7 shows the encoding of image data by splitting the regions of the image data and later when decoding the image data in fig.18, the upper layer and lower layer is reunited for viewing at the display output). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Veltman and Nagai, as a whole, for accurately, efficiently decoding image data so as to preserve high image quality (Nagai col.5, ln.28-33).

Regarding claim 4, Veltman discloses wherein the receiving further comprises: storing the first portion of the encoded video data stream comprising the portion of the first block of pixel data in a first memory region (col.30, ln.21-27, Veltman discloses the first portion of the encoded video stream is received in element 42, wherein demultiplexer 44 receives the encoded video data stream); and storing the second block of pixel data in the first region of memory (col.30, ln.21-27, Veltman discloses the second portion of the encoded video stream is received in element 42, wherein demultiplexer 44 receives the encoded video data stream) and storing the another portion of the first block of pixel data in a second region of memory (col.30, ln.21-27, Veltman discloses the another portion of the encoded video stream is received in element 52, wherein demultiplexer 44 receives the encoded video data stream).

Regarding claim 8, Veltman discloses receiving input from the decoder, the input associated with the size of the decoded video data stream (col.30, ln.21-35, Veltman

discloses the first portion of the encoded video stream is received in element 42 and the second portion of the encoded video stream is received in element 52, wherein demultiplexer 44 receives the encoded video data stream, and that the size of the decoded video data is obtained).

Regarding claim 9, Veltman discloses wherein the input determines the amount of video data stream to be serially outputted to the decoder (col.30, ln.21-27, Veltman discloses the first portion of the encoded video stream is received in element 42 to video decoder 45). Veltman does not specifically disclose the concatenated video data stream. However, Nagai discloses the generation of concatenating video data stream comprising the first portion and the second portion (col.18, ln.1-10, in fig.18, Nagai discloses the region reordering table 1103 for reordering regions of the encoded image data for display as one whole image, and the output of element 1103 is used to influence the image signal reorderer 1119 to yield the display output for viewing; col.18, ln.45-65, Nagai discloses the coding and decoding of two layers, the upper and lower layers for coding the video image data; col.20, ln.31-39, in fig.15, Nagai discloses the first embodiment of fig.7 shows the encoding of image data by splitting the regions of the image data and later when decoding the image data in fig.18, the upper layer and lower layer is reunited for viewing at the display output). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Veltman and Nagai, as a whole, for accurately, efficiently decoding image data so as to preserve high image quality (Nagai col.5, ln.28-33).

3. Claims 5, 6, 10, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veltman (5,481,543) in view of Nagai (5,852,469) in view of Shinohara (5,956,454).

Regarding claim 5, wherein storing the first portion of the encoded data and the second portion of the encoded data further comprises: storing the first or second portion of the encoded data stream in the first region until either a predetermined number of bytes of the first or second portion are stored in the first region is received (col.30, ln.21-27, Veltman discloses the first portion of the encoded video stream is received in element 42, wherein demultiplexer 44 receives the encoded video data stream).

Veltman and Nagai do not disclose an end of block indicator is received storing the remainder of the first or second portion of the encoded data stream in the second region. However, Shinohara teaches the use of the end of block indicator is received storing the remainder of the first or second portion of the encoded data stream in the second region (col.17, ln.37-40, fig.7, elements 127 and 128 are the end of block indicators for indicating the content portions and the remaining portions of encoded data stream). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Veltman, Nagai and Shinohara, as a whole, for providing a display of pictures at an optimal interval for viewing (Shinohara's col.10, ln.4-5).

Regarding claim 6, Veltman discloses the serial outputting the first portion to the decoder (col.30, ln.21-27, Veltman discloses the first portion of the encoded video stream is received in element 42 to video decoder 45); reading an address pointer pointing to a sequentially next encoded video data stream in the second memory

(col.30, ln.21-27, Veltman discloses the first portion of the encoded video stream is received in element 42, and that there are a number of plural sequences of image data that follow the first GOP, the second GOP, etc.); serially outputting the second portion from the second memory starting with the sequentially next encoded video data stream (col.30, ln.21-27, Veltman discloses the second portion of the encoded video stream is received in element 52, wherein demultiplexer 44 receives the encoded video data stream); serial outputting the second portion from the second memory starting with the sequentially next encoded video data stream to the decoder (col.30, ln.21-27, Veltman discloses the second portion of the encoded video stream is received in element 52, wherein demultiplexer 44 receives the encoded video data stream, and that there are a number of plural sequences of image data that follow the first GOP, the second GOP, etc. with corresponding pointers that follow the next sequence of image data).

Veltman does not specifically disclose the concatenator to generate a concatenated encoded video stream; serially outputting from the first memory region to a concatenator until either the predetermined number of bytes are received, if the predetermined number of bytes is serially output during b1, serially outputting from the second memory region to the concatenator. However, Nagai discloses the generation of concatenating video data stream comprising the first portion and the second portion (col.18, ln.1-10, in fig.18, Nagai discloses the region reordering table 1103 for reordering regions of the encoded image data for display as one whole image, and the output of element 1103 is used to influence the image signal reorderer 1119 to yield the display output for viewing; col.18, ln.45-65, Nagai discloses the coding and

decoding of two layers, the upper and lower layers for coding the video image data; col.20, ln.31-39, in fig.15, Nagai discloses the first embodiment of fig.7 shows the encoding of image data by splitting the regions of the image data and later when decoding the image data in fig.18, the upper layer and lower layer is reunited for viewing at the display output). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Veltman and Nagai, as a whole, for accurately, efficiently decoding image data so as to preserve high image quality (Nagai col.5, ln.28-33).

Veltman and Nagai do not disclose an end of block indicator is received. However, Shinohara teaches the use of the end of block indicator is received (col.17, ln.37-40, fig.7, elements 127 and 128 are the end of block indicators for indicating the content portions and the remaining portions of encoded data stream). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Veltman, Nagai and Shinohara, as a whole, for providing a display of pictures at an optimal interval for viewing (Shinohara's col.10, ln.4-5).

Regarding claim 10, Veltman discloses a system for decoding an encoded video data stream (col.30, ln.5-7 and fig.21, element 4A illustrates a system for decoding), the data stream comprising a plurality of encoded blocks of data pixels and a plurality of end indicators (col.28, ln.39-59 and in fig.20, there are clear separated sections of GOPs in the 1 or more video packets section, and in the 1st directory packet section, there are plural pointers used to point to the corresponding GOP), the system comprising:

a first memory buffer for storing either portions of the encoded video data stream of predetermined size or until the portions of the encoded video data stream include an end (col.30, ln.21-27, Veltman discloses the first portion of the encoded video stream is received in element 42, wherein demultiplexer 44 receives the encoded video data stream);

a second memory buffer for storing remainders of portions (col.30, ln.21-27, Veltman discloses the second portion of the encoded video stream is received in element 52, wherein demultiplexer 44 receives the encoded video data stream); and

a decoder for decoding the concatenated video data stream (col.30, ln.21-30 and ln.60-61, element 45 is used to decode the video data).

Veltman does not specifically disclose a concatenator for concatenating the first memory buffer and the second memory buffer, wherein the concatenator serially outputs data from the first memory buffer until either a predetermined number of bytes are serially outputted, and if the predetermined number of bytes are serially output from the first buffer, to obtain a concatenated video data stream. However, Nagai discloses the generation of concatenating video data stream comprising the first portion and the second portion (col.18, ln.1-10, in fig.18, Nagai discloses the region reordering table 1103 for reordering regions of the encoded image data for display as one whole image, and the output of element 1103 is used to influence the image signal reorderer 1119 to yield the display output for viewing; col.18, ln.45-65, Nagai discloses the coding and decoding of two layers, the upper and lower layers for coding the video image data; col.20, ln.31-39, in fig.15, Nagai discloses the first embodiment of fig.7 shows the

encoding of image data by splitting the regions of the image data and later when decoding the image data in fig.18, the upper layer and lower layer is reunited for viewing at the display output). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Veltman and Nagai, as a whole, for accurately, efficiently decoding image data so as to preserve high image quality (Nagai col.5, ln.28-33).

Veltman and Nagai do not disclose the end of block indicator, and serially outputting from the second buffer until an end of buffer indicator is received. However, Shinohara teaches the use of the end of block indicator is received storing the remainder of the first or second portion of the encoded data stream in the second region (col.17, ln.37-40, fig.7, elements 127 and 128 are the end of block indicators for indicating the content portions and the remaining portions of encoded data stream). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Veltman, Nagai and Shinohara, as a whole, for providing a display of pictures at an optimal interval for viewing (Shinohara's col.10, ln.4-5).

Regarding claim 22, Veltman discloses wherein the decoder provides input, the input associated with the size of the decoded video data stream (col.30, ln.21-35, Veltman discloses the first portion of the encoded video stream is received in element 42 and the second portion of the encoded video stream is received in element 52, wherein demultiplexer 44 receives the encoded video data stream, and that the size of the decoded video data is obtained).

Regarding claim 23, Veltman discloses wherein the input determines the amount of video data stream to be serially outputted to the decoder (col.30, ln.21-27, Veltman discloses the first portion of the encoded video stream is received in element 42 to video decoder 45). Veltman does not specifically disclose the concatenated video data stream. However, Nagai discloses the generation of concatenating video data stream comprising the first portion and the second portion (col.18, ln.1-10, in fig.18, Nagai discloses the region reordering table 1103 for reordering regions of the encoded image data for display as one whole image, and the output of element 1103 is used to influence the image signal reorderer 1119 to yield the display output for viewing; col.18, ln.45-65, Nagai discloses the coding and decoding of two layers, the upper and lower layers for coding the video image data; col.20, ln.31-39, in fig.15, Nagai discloses the first embodiment of fig.7 shows the encoding of image data by splitting the regions of the image data and later when decoding the image data in fig.18, the upper layer and lower layer is reunited for viewing at the display output). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Veltman and Nagai, as a whole, for accurately, efficiently decoding image data so as to preserve high image quality (Nagai col.5, ln.28-33).

4. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veltman (5,481,543), Nagai (5,852,469) and Shinohara (5,956,454) in view of Hashizume (6,259,639).

Regarding claim 15, Veltman discloses the tracking of the data size information (fig.22, note "video input buffer size" and "video t/s buffer size" is tracked). Veltman, Nagai and Shinohara do not specifically disclose wherein the first memory buffer is configured to save at least one of an indicator flag, the indicator flag having an active state and an inactive state. However, Hashizume teaches the storing in the second memory region is performed upon determining that the first memory region is full, thus, the second memory buffer is configured to receive the second portion after the first memory buffer receives the flag/indicator (col.25, ln.66 to col.26, ln.5, note that since the full flag signal from first memory block 40 is asserted, the second memory buffer is ready to receive data). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Veltman, Nagai, Shinohara and Hashizume, as a whole, for applying the concepts of memory management for properly allocating data to available storage so as to prevent the loss of vital image information.

Regarding claim 16, Veltman, Nagai and Shinohara do not specifically disclose wherein the indicator flag is activated if the first memory buffer is full. However, Hashizume teaches wherein the indicator flag is activated if the first memory buffer is full (col.25, ln.66 to col.26, ln.5; if the data is full in first memory block 40, then the full flag signal from the first memory block is activated). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Veltman, Nagai, Shinohara and Hashizume, as a whole, for applying the concepts of memory management for properly allocating data to available storage so as to prevent the loss of vital image information.

Regarding claim 17, Veltman discloses wherein the data size information comprises a data size of the second portion (fig.22, note the data size information is tracked as indicated by "video t/s buffer size" is tracked).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (571) 272-7341. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm Flextime.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Allen Wong
Primary Examiner
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2/6/09